NOTIFICATION OF APPROVAL OF
PETITION FOR SITE-SPECIFIC TREATMENT VARIANCE
FROM LAND DISPOSAL RESTRICTION
TREATMENT STANDARDS FOR HAZARDOUS WASTES
40 CFR § 268.44(h)

Petitioner:	Occidental Chemical Corporation
Requesting Facility:	Love Canal Superfund Site
Facility Location:	City of Niagara Falls, Town of Wheatfield Niagara County, New York
EPA ID Number:	NYD000606947
Facility Representative:	Donald W. McLeod, P.E.
Title:	Director Operations Glenn Springs Holdings, Inc. 300 East Main Street, Suite 400 Lexington, Kentucky 40507
Phone:	(606) 244-2174
U.S. EPA Contact:	Damian Duda
Phone:	(212) 637-4269
Date of Petition:	November 6, 1997
Date of Submittal of First Revision:	December 22, 1997
Date of Submittal of Second Revision:	June 4, 1998

Subject of the Petition: Sediments, and haul road and dewatering facility cleanup materials generated in connection with the dredging and remediation of these sediments at the Love Canal Superfund Site.

Summary of the Petition: The above materials are contaminated with dioxins and furans. The Universal Treatment Standard (the "treatment standard") for nonwastewater materials contaminated by dioxins and/or furans is 1 part per billion (measured by a total

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waste analysis, rather than a Toxicity Characteristic Leaching Procedure [TCLP] extract). 40 C.F.R. §268.40. Petitioner seeks a site-specific variance from this treatment standard, pursuant to 40 C.F.R. §268.44(h), to 10 parts per billion (total waste analysis).

Public Review: The complete Petition, as revised, was maintained at the following repositories: (1) U.S. EPA, Region 2, 290 Broadway, New York, New York 10007, Attn: Damian Duda, Tel. No. (212) 637-4269; (2) U.S. EPA, Public Information Office, 345 Third Street, Suite 530, Niagara Falls, New York 14303, Tel. No. (716)-285-8842; (3) Marriott Library, University of Utah, Salt Lake City, UT, 84112, Attn: Walter Jones, Tel. No. (801) 581-8394; (4) Tooele City Public Library, 47 East Vine Street, Tooele, UT 84074, Attn: Geraldine Mortensen, Tel. No. (801) 882-2182; (5) Utah Department of Health, Division of Solid and Hazardous Waste, 288 North 14460 West, Salt Lake City, UT 84114, Attn: Ty Howard, Tel. No. (801) 538-6170; and (6) U.S. EPA, Region 8, 999 18th Street, Suite 500 (8P-HW), Denver, CO 80202-2466, Attn: Larry Diede, Tel. No. (303)-312-6428. Copies of all documents were made available to the public at the addresses listed above.

Public Comment Period: A public notice of the intent of the United States Environmental Protection Agency (EPA) to approve the Petition, which provided an opportunity for public comment on the Petition, was published in newspapers of general circulation in New York State and the State of Utah on September 24-25, 1998. No substantive comments were received with respect to the Petition in the ensuing thirty day comment period. No responsiveness summary, therefore, has been prepared with respect to the petition.

1. The Treatment Standard From Which The Variance Is Sought:

The specific treatment standard from which the petitioner, Occidental Chemical Corporation ("OCC") seeks a site-specific variance is the F039 (multi-source leachate) treatment standard of 1 part per billion ("ppb") for dioxins and furans. 40 C.F.R. §268.40. This standard requires a waste to be treated to reduce the dioxin and furan concentrations below 1 ppb (measured as a total waste analysis, rather than a TCLP extract) before the waste can be lawfully land disposed at a hazardous waste disposal facility. This treatment would normally be accomplished by incineration or some other type of combustion technology. No variance from a treatment standard is being sought for constituents other than dioxins and furans. The treatment standard established by regulation for dioxins and furans is set

forth in Table 1 below.[1]

TABLE 1			
Waste Code	**Nature/Physical Form/Subcategory of Waste**	**LDR Treatment Standard**	**Effective Date**
F039	Leachate resulting from the disposal of more than one restricted waste classified as hazardous	40 CFR § 268.40 and 268.48: all hexachlorodi-benzo-p-dioxins(1 ppb); all hexachlorodibenzo-furans (1 ppb); all pentachlorodibenzo-p-dioxins (1 ppb); all pentachlordibenzofurans (1 ppb); all tetrachloro-dibenzo-p-dioxins 1 ppb); all tetrachlorodibenzo-furans (1 ppb).	8/8/90

2. The Alternative Treatment Standard Proposed In The Petition:

In its petition (the "Petition") OCC seeks a variance from the above treatment standard for creek sediments and related media contaminated with dioxins and/or furans to a concentration exceeding 1 ppb but no greater than 10 ppb. The proposed variance is summarized in Table 2 below.

[1] Treatment standards are set forth in 40 C.F.R. Part 268, Land Disposal Restrictions ("LDRs") in the table at the end of §268.40. This table contains the treatment standards for over 200 organic and inorganic contaminants, including dioxins and furans.

TABLE 2			
Waste Code	**Nature/Physical Form/Subcategory of Waste**	**Proposed Alternative to LDR Treatment Standard**	**Effective Date**
F039	Sediments contaminated with leachate resulting from the disposal of more than one restricted waste classified as hazardous	all hexachlorodibenzo-p-dioxins(10 ppb); all hexachlorodibenzofurans (10 ppb); all penta-chlorodibenzo-p-dioxins (10 ppb); all penta-chlorodibenzofurans(10 ppb); all tetrachloro-dibenzo-p-dioxins (10 ppb); all tetrachloro-dibenzofurans (10 ppb).	Date of approval by Regional Adminis-trator

3. Authority Of The Regional Administrator Of Region 2, United States Environmental Protection Agency, To Approve Or Deny The Petition

The determination of the Petition by the Regional Administrator of U.S. EPA, Region 2, is in accordance with delegations 8-45-A and 8-45-B (February 26, 1997) which delegate to the regional administrators the authority to approve or deny applications submitted pursuant to 40 C.F.R. 268.44(h) for site-specific treatment variances from LDR treatment standards. In addition, since the facility proposed for disposal of materials subject to the proposed variance is located in Utah, EPA Region 2 coordinated with EPA Region 8, and through Region 8, with the State of Utah, in the review of the Petition.

4. Regulatory Authority And Other References:

The requirements for obtaining a site-specific treatment variance are set forth at 40 C.F.R. §268.44(h). This regulation was recently amended on December 5, 1997. 62 Fed. Reg. 64504. As amended 40 C.F.R. §268.44(h) provides in relevant part that:

> (h) Based on a petition filed by a generator or treater of hazardous waste, the Administrator or his or her delegated representative may approve a site-specific variance from an applicable treatment standard if:
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> (1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the

method specified as the treatment standard.... or

(2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must either demonstrate that:

(i) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on the combustion of such media); or

(ii) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation. 62 Fed. Reg. at 64509.

For the reasons set forth more fully below, EPA Region 2 has determined, that further treatment of the subject creek sediments and associated materials (haul road and dewatering facility materials that were contaminated by the creek sediments, collectively the "Subject Wastes") to standards of 1 ppb for dioxin and furans would be technically inappropriate in accordance with 40 C.F.R. §268.44(h)(2)(i).[2]

As noted above, 40 C.F.R. §268.44(h)(2)(i) cites as an example of technical inappropriateness the combustion of large amounts of mildly contaminated environmental media, under circumstances applicable here.[3] The preamble to the amendment to

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[2] EPA believes that the "physical impossibility" standard of 40 C.F.R. §268.44(h)(1) has no applicability to the Subject Wastes, since similar wastes have been treated to the treatment standard through incineration.

[3] The treatment standard for dioxins and furans is based on the treatment of contaminated soil. See, *Superfund LDR Guide #6A (2nd Ed.), Obtaining a Soil and Debris Treatability Variance for Remedial Actions,* EPA OSWER No. 9347.3-06FS, September 1990, at p.2. The Subject Wastes, however, are primarily sediments. These sediments, following treatment with lime and clay, are now analogous to soil; but are not the same media (soil) for which the standards were established.

40 C.F.R. §268.44(h) provides further examples of when achieving a treatment standard by means of incineration (or other treatment) is technically inappropriate. Thus, the preamble identifies the "combustion of large amounts of mildly contaminated soil or wastewater" as the "chief example" of a treatment that is technically inappropriate. Another example cited in the preamble, applicable to organic contaminants, where treatment may be inappropriate:

> is when a waste contains low concentrations of non-volatile organic contaminants ... and the waste, for legitimate reasons, has been stabilized. If the mobility of the non-volatile organic contaminants has been reduced, it might be inappropriate to require further treatment of the non-volatile organic contaminants. 62 Fed. Reg. at 64505.[4]

The above is a continuing reflection of EPA's longstanding policy that site-specific treatment variances are generally appropriate for contaminated soils and similar media, and that incineration of soils and media is typically appropriate only where they contain high levels of combustible toxic materials. See, Preamble to the National Oil and Hazardous Substance Pollution Contingency Plan, 55 Fed. Reg. 8666, 8760-8761; see also, EPA's Office of Solid Waste and Emergency Response Memorandum dated January 7, 1997 which is included as Attachment 4 to the Petition.

Also relevant to determination of the Petition is EPA's recently published final rule, Land Disposal Restrictions Phase IV, 63 Fed. Reg. 28556 (May 26, 1998). This rule (the "Phase IV Rule"), among other things, "amends the LDR treatment standards for soil contaminated with hazardous waste. The purpose of this revision is to create standards which are more technically and environmentally appropriate to contaminated soils than those which currently apply." Id. With reference to soils from remediation sites contaminated by dioxins and furans, the revised treatment standard is 10 ppb, 40 C.F.R. §268.49(c)(1)(C). Id. at 28751. This is the same standard that is proposed by OCC for the Subject Wastes.[5]

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[4] Dioxins and furans are classified as non-volatile organics.

[5] The responsive summary to the final Phase IV Rule, addressing the comments that were received during the comment

5. Site Background:

The Love Canal Superfund Site (the "Site") is located in the southeast corner of the City of Niagara Falls, New York and is approximately one-quarter mile north of the Niagara River. Between 1942 and 1954, Hooker Chemicals & Plastics Corporation ("Hooker"), the predecessor to OCC, disposed of over 22,000 tons of chemical wastes in the Love Canal Landfill (the "Landfill"). Hooker deeded the Landfill property to the City of Niagara Falls Board of Education in April 1953. An elementary school was built adjacent to the central portion of the Landfill. During the 1950's, home construction accelerated in the area, and by 1972 area lots had been completely developed, including lots with backyards directly abutting the Landfill property. Meanwhile, in 1968, OCC had acquired Hooker.

In the mid to late 1970s, wastes were observed on the surface of the Landfill and in the basements of homes abutting the Landfill. The Commissioner of the New York State Department of Health declared a state of emergency at the Site on August 2, 1978. President Carter declared two environmental emergencies at the Site on August 7, 1978 and May 21, 1980, enabling the federal government to provide financial assistance to the State of New York for the initiation of remedial measures and relocation assistance to the residents.

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period on the proposed regulations, states that:

> [the] Agency is ... not, at this time, taking action on the portions of the proposal which would have applied the soil treatment standards to other environmental media or remediation wastes (<u>such as dewatered sediments</u>). The Agency will continue to evaluate this issue; if, in the future, EPA takes action to apply the soil treatment standards it will address [such] comments, as necessary, at that time.

"Response to Comments Document: Land Disposal Restrictions -- Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils; and Exclusion of Recycled Wood Preserving Wastewaters, Volume 7: Comments Related to Treatment Standards for Contaminated Soils," United States Environmental Protection Agency, Office of Solid Waste, 1998, p. 1-170 (emphasis added).

The first phases of the remedial activities at the Site began in October 1978, including site containment and the cutting off of sewer lines contaminated by leachate migrating from the Landfill. These sewers carried leachate from the Landfill to nearby creeks. On May 6, 1985, EPA issued a Record of Decision ("ROD") for the Site which, among other things, called for the removal of sediments contaminated with dioxins and furans from specific stretches of the creeks and sewers within the Site area, and the interim storage of these sediments in a containment facility.

On October 26, 1987, EPA issued a second ROD for the Site which required that all sewer and creek sediments contaminated with dioxin and furans, together with contaminated debris and treatment residuals from an on-site leachate treatment facility, be thermally treated at the Site in a thermal destruction unit ("TDU") to six nines (99.9999%) destruction removal efficiency ("DRE"). Nonhazardous residuals from thermal treatment were to be disposed in selected on-site areas.

By the terms of a Consent Decree (the "Decree") entered in federal district court in 1989, OCC among other things, was required to process and bag the excavated sediments and other remedial wastes and transport and store these materials in permitted storage facilities at its main chemical production plant in Niagara Falls. OCC was further obligated to obtain a permit to incinerate the waste materials in a TDU that was to have been built at its main plant.

The processing of the sediments basically was a three-step process: (1) the sediments were placed in a holding basin to reduce their water content; (2) the dewatered sediments were then stabilized through the addition of clay and lime to remove any residual free water, thereby solidifying the sediments prior to storage; and (3) the stabilized sediments were then placed in plastic, double-lined bags and transported from the Site to OCC's main plant for storage pending further treatment.

Subsequent to the entry of the Decree in 1989, the utilization of existing commercial incineration capacity outside the City of Niagara Falls became a viable cost-effective alternative for OCC. In June 1990, EPA promulgated regulations that affected the waste classification under the Resource Conservation and Recovery Act ("RCRA") of the materials contaminated with dioxins and furans addressed by the 1987 ROD. Prior to the 1990 regulations, the leachate from the Site (as well as the sediments which contained contaminants from the leachate, and treatment residues that were derived from the leachate) carried an F020 RCRA listed waste classification. The 1987 ROD determined that the only practical way of meeting the F020 requirements would be to require

incineration for destruction of dioxins and furans irrespective of the level of dioxin and furan contamination in these materials. These incineration requirements were reflected in the 1989 Decree.

The June 1990 regulations created a new hazardous waste category, F039, which applies to leachate from multiple sources and wastes derived from this leachate. EPA determined that the Site's remedial wastes should be classified under RCRA as F039 wastes, rather than F020 wastes. Under the 1990 regulations, F039 wastes containing dioxins and furans must be treated to meet all applicable treatment standards. Once compliance with all treatment standards is demonstrated, treatment residues must be disposed of in a permitted, RCRA Subtitle C landfill.

In summary, the 1987 ROD, as modified by the Decree, specified a selected remedy that required all the sediments, debris, and treatment residues removed from the Site to be incinerated in a TDU to be constructed at OCC's main plant. However, as a result of the above-discussed regulatory changes, OCC's stabilization and bagging of the sediments excavated from the Site, and the increased availability of commercial incinerators with the requisite DRE, the requirement that all the remediation waste materials be incinerated at a TDU to be constructed at OCC's main plant was no longer the only practicable and safe alternative for their disposal.

In January 1997, the federal district court entered a modification to the Decree which recognized that it was no longer necessary to thermally treat all the contaminated materials, irrespective of the level of contamination. The Decree, as modified, allows for the segregation of wastes based upon concentrations of contaminants in those wastes. Consistent with the F039 requirements, those segregated wastes that had concentrations of dioxins and furans below the treatment standard of 1 ppb would not require prior treatment before land disposal. Wastes with dioxin and furan levels which exceed the 1 ppb treatment standard would be required to be treated at TDU's with the requisite DRE. This treatment would be conducted at commercial facilities instead of at OCC's main plant. (All such commercial facilities that are authorized for the treatment of F039 wastes containing dioxin and furans are located outside of New York State.) The residues from treatment, or wastes that met the treatment standard without further treatment, would be disposed of in a permitted RCRA landfill. (All of these disposal facilities are also located outside of New York State.)

6. Description Of The Waste For Which the Alternative Treatment Standard Is Proposed:

The Subject Wastes represent approximately forty six percent of the wastes removed from the Site.[6] They are comprised of creek sediments, and haul road and dewatering facility cleanup materials generated in connection with the dredging and remediation of the sediments at the Site. The sediments consist primarily of soils and organic materials such as leaves that were washed into the creeks by runoff. These sediments have been dewatered and treated by the addition of lime and clay to solidify and stabilize them for safe storage. (Since there was no question that lime and clay were added for a legitimate treatment purpose, EPA determined that the addition of lime and clay did not constitute impermissible dilution pursuant to 40 C.F.R. §268.3.) The haul road materials consist primarily of the gravel, soil, and spilled sediments that were removed from the haul roads that were used to transport the sediments to the dewatering facility. The dewatering cleanup material is spillage and debris removed from the dewatering facility after completion of the dewatering operation. Thus, while some of the Subject Wastes are soils commingled with sediments, the majority of these wastes are stabilized sediments. All of the Subject Wastes are currently stored in a facility at OCC's main plant in double-lined plastic bags.

The total volume of the Subject Wastes is approximately 18,000 cubic yards. Approximately 78% of this total are stabilized sediments. The Subject Wastes are contaminated with dioxins and furans, which are non-volatile organics, in concentrations that only marginally exceed the treatment standard, i.e., greater than 1 ppb, but less than 10 ppb.

7. Description Of The Alternative Treatment Standard Proposed In The Petition:

The alternative treatment standard for the Subject Wastes

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[6]Based upon the results of waste analyses to date, approximately twenty nine percent of the wastes removed from the Site either have been, or will be, further treated to UTS levels prior to land disposal. These wastes are not subject to the Petition. The remaining twenty five percent of the wastes removed from the Site already meet treatment standards (e.g. 1 ppb dioxin) without a variance and can be land disposed without further treatment. These wastes also are not subject to the Petition.

proposed in the Petition is 10 ppb for dioxins and furans. While the Subject Wastes are contaminated by low concentrations of dioxins and furans, in the absence of a treatment variance, they would, as a practical matter, require treatment by incineration followed by land disposal of the incineration residue because no other treatment technology presently available could achieve the requisite incremental reduction in concentration levels. If approved, the proposed variance would allow OCC to directly dispose of the Subject Wastes in a permitted, RCRA hazardous waste landfill, rather than incinerating them.

8. Justification:

EPA is hereby approving the treatment variance proposed by OCC in the Petition for the following reasons:

A. LDR treatment standards are typically promulgated for concentrated process waste materials, rather than media with relatively low levels of contaminants, and in particular, as here, stabilized sediments contaminated with low levels of non-volatile organics. It is EPA's longstanding policy, explicitly reflected in the site-specific treatment variance regulation and its preamble (40 C.F.R. §268.44(h), 62 Fed. Reg. 64504, 64507) that site-specific variances are generally appropriate for contaminated media (including groundwater, surface water, soils, and sediments).

B. The relevant treatment standard is based on the total amount of dioxins and furans. However, these constituents are extremely immobile in most soils and water insoluble. 51 Fed. Reg. 1602, 1731 (Jan. 14, 1986). The Subject Wastes were stabilized with lime and clay for legitimate reasons to allow for their safe storage. This treatment reduced the mobility of the dioxins and furans. Additionally, OCC has performed a TCLP study on those stabilized sediment samples with the highest total dioxin and furan content. This study has provided leachability data that indicates that the actual dioxins and furans in the sediments do in fact have low solubility in water[7].

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[7]EPA believes that the TCLP is a useful indicator of potential mobility of these constituents since EPA knows of no reason why the test would sharply understate potential mobility. Cf. *Columbia Falls Aluminum Co. v. EPA,* 139 F.3d 914 (D.C. Cir. 1998) in which the Court held that it was arbitrary and capricious for EPA to apply the TCLP under circumstances where empirical data showed that the TCLP underpredicted potential mobility.

As noted above:

> Another potential example of where treatment for organic contaminants may be technically inappropriate is when a waste contains low concentrations of non-volatile organic contaminants (for example concentrations slightly exceeding a Universal Treatment Standard) and the waste for legitimate reasons, has been stabilized. If the mobility of the non-volatile organic contaminants has been reduced, it might be inappropriate to require further treatment of the non-volatile organic contaminants. 62 Fed. Reg. 64504, 64505 (December 5, 1997).

The applicable facts in this matter are similar to the above example.

C. The vast majority of the Subject Wastes are sediments which now have a physical consistency similar to soils. (See 63 Fed. Reg. at 28620 [May 26, 1998] for a discussion of the regulatory definition of soil. As noted in footnote 6 above, there remain regulatory distinctions between soil and other media such as sediments.) These sediments were dredged from the creeks at the Site and dewatered; then they were stabilized by the addition of lime and clay. Consequently, the Subject Wastes now have physical similarities to "soil" since their components of sand, lime, clay, and decayed vegetative materials are components typical of many soils.

As noted above, the Phase IV Rule provides a treatment standard for soils contaminated with dioxins and furans of 10 ppb. Because the sediments comprising the vast bulk of the Subject Wastes are analogous to soils, the 10 ppb standard for soils, while not legally applicable, is deemed appropriate to utilize since it will suffice, in the particular context of the Subject Wastes, to minimize threats to human health and the environment.

This determination conforms to prior EPA determinations in similar contexts. Thus, as noted above, the Subject Wastes are contaminated by low concentrations of dioxins and furans, between 1 and 10 ppb. Given the reasonable maximum exposure scenarios applicable at most Superfund and RCRA cleanups at commercial and industrial sites, EPA has typically found these levels to be protective of human health and the environment. See, Approach for Addressing Dioxin in Soil at CERCLA and RCRA Sites, Office of Solid Waste and Emergency Response Directive 9200.4-26, April 13, 1998.

D. For the reasons set forth in subparagraphs A-C above, EPA has determined that approval of the proposed treatment variance will

allow OCC to dispose of the Subject Wastes in an environmentally protective manner, while avoiding treatment which is inappropriate for the Subject Wastes. Approving the treatment variance sought by OCC therefore complies with the mandate of the relevant regulation and RCRA, that compliance with the proposed treatment variance "is sufficient to minimize threats to human health and the environment posed by the land disposal of the [Subject Wastes]." 40 C.F.R. §268.44(m); 62 Fed. Reg. at 64509 (see also 64506); RCRA §3004(m)(1), 42 U.S.C. §6924(m)(1).

9. Description of Facility Proposed for Waste Disposal

With the approval of a treatment variance, the wastes can be disposed of at any facility that is permitted for the disposal of such wastes. The characteristics of any particular disposal facility, therefore, have no relevance to the determination of whether or not a treatment variance should be granted. Nevertheless, the identification of the proposed disposal facilities is a matter of technical significance since their design may contribute to a further minimization of threats to human health and the environment beyond that afforded by the treatment standard that would be applicable pursuant to the requested variance.

In this case, the facility that was proposed for the landfilling of the Subject Wastes is the Grassy Mountain Landfill in Utah. This landfill is a triple-lined facility that meets or surpasses all RCRA requirements. This landfill is in an area with little or no rainfall. Consequently, as a general proposition, little if any leachate should be generated in this landfill. Any leachate that might be generated would be collected by the leachate collection system in the landfill.

Furthermore, the Subject Wastes will be disposed of in the double-lined plastic bags in which they are currently stored. This will minimize the possibility that the Subject Wastes will come into contact with other landfill materials. These bags, in turn, will be disposed of in a triple-lined landfill. This liner system will contain and collect any leachate that might conceivably be generated. Given these circumstances, the disposal of these wastes in double-lined plastic bags, in a triple-lined landfill located in an arid area, there is no realistic potential for leaching of these wastes into the environment and no realistic potential of exposure to these wastes.

10. Conditions:

A. The disposal of the Subject Wastes pursuant to the proposed treatment variance is limited to facilities which are permitted for disposal of such materials.

B. The proposed notice of intent to approve this treatment variance was issued with a public notice providing the opportunity for comment. This notice was published in the vicinity of the Site, and within the area where the Subject Wastes are proposed to be disposed (Grassy Mountain Landfill, Tooele County, Utah). The Subject Wastes will not be authorized for disposal at an alternate site (at the alternative treatment levels approved herein) unless and until the state and EPA Region with jurisdiction over such an alternate site have been notified of the proposed disposal, and the relevant public provided with whatever opportunity for notice and comment is deemed appropriate under such circumstances.

C. EPA notes further that this variance should not be deemed as precedent for, or as a general policy statement regarding whether, under circumstances applicable at other sites, stabilization would be a legitimate treatment technology for achieving treatment standards for organic hazardous constituents. Rather, this action is specific to this matter, and reflects only that the dewatering/stabilization process performed with respect to the Subject Wastes has had the effect of further reducing the mobility of the dioxins and furans in the wastes.

11. Effective Date of Approval of the Petition:

This treatment variance is effective on the date that it is signed by the Regional Administrator.

12. Expiration Date:

Due to concerns that the long-term "temporary" storage of these materials be terminated as soon as practicable in accordance with statutory and regulatory requirements (see RCRA §3004(j), 42 U.S.C. §6924(j), and 40 C.F.R. §268.50 provisions concerning storage prohibitions), approval of the Petition shall expire two years from the effective date of approval of the Petition.

APPROVED:

Date 12/14/98

Jeanne M. Fox
Regional Administrator
U.S. EPA, Region 2